

U.S. Ser. No.: 10/798,230
Docket No.: 00118-005001

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OCT 03 2006

REMARKS

Claims 2, 5-8, 10-14 and 31-33 remain pending in this application. Reconsideration and allowance of all pending claims is respectfully requested.

Claims 12-14 are amended to correct an inadvertent typographical error that was introduced in the Preliminary Amendment filed on August 30, 2004.

Claim 31 had previously been rejected only under 35 U.S.C. 112, 1st paragraph, as failing to comply with the written description requirement. Applicant submits that the prior amendment obviated this rejection, as this rejection has not been maintained. Applicant notes that claim 31 now stands rejected on art, and is dealt with below.

Claims 2, 31, and 32 stand rejected under the doctrine of obviousness-type double patenting based on claims 1 and 2 of US Patent No. 6,609,576. Without conceding the accuracy of the obviousness-type double patenting rejection, Applicants are filing a terminal disclaimer herewith to obviate the rejections.

The Examiner has further rejected claims 2, 6-8, 31-33 as unpatentable over Golobay in view of Vural. This rejection is essentially the same as that previously alleged in the prior Office Action, but with the addition of claim 31 to the rejection. Applicant specifically pointed out in the prior Response significant and meaningful differences between the claimed invention and the prior art cited. The Examiner has stated that the arguments are moot in view of the "new ground of rejection". However, the only new ground of rejection is the addition of claim 31. The same rejections are provided for all the rest of the claims. If the grounds of rejection are maintained, the Examiner is requested to point out where the Applicant arguments are incorrect. These Applicant arguments are repeated below for the convenience of the Examiner.

Essentially, the Examiner contends that Golobay discloses the overall system (elements 42, 52, 22, 44, and 70 as well as Fig. 2) and Vural discloses a ratchet (elements 7 and 1 and column 5 lines 5-10). This rejection is traversed with respect to the amended claims as follows.

First, Golobay fails to disclose a belt coupled between a first axle and a second axle. The belt cited by the Examiner, belt 54, is the belt which drives the eccentric weights, not the belt that runs between the axles to rotate a tool to do work. Golobay lacks such a belt because there is no second axle. As Golobay completely lacks this claim element, its combination with Vural fails as a *prima facie* case of obviousness and Applicant submits the rejection should be withdrawn.

Even assuming, *arguendo*, Golobay included this element, Golobay lacks other elements such that, when combined with Vural, the combination still fails to render obvious the claimed invention. In particular, Applicant agrees with the Examiner that a tool may be mounted to the output shaft 70. But the output shaft 70 is not driven by any type of rotation, as required by the claims. For this reason as well, Applicant submits the rejection should be withdrawn.

Even assuming, *arguendo*, that these deficiencies were met, Applicant respectfully submits that Vural is insufficient to provide that which the Examiner contends. In Vural, the gear ring or ratchet 7 cited by the Examiner is driven by the rotation of the first axle, as are the eccentric weights. The gear ring 7 of Vural is lockably adjusted by a hydraulic pawl 18. The ratchet is adjustable in this fashion so that the user can adjust the vibration amplitude. In the current system, the ratchet is not driven by the rotation of the axle that drives the eccentric weights. Rather, as claimed, the ratchet is mounted to the housing, and the vibration of the housing causes the rotation of the axle due to the ratcheting effect.

So even assuming all the elements in Golobay that are lacking were present, the combination of Golobay and Vural fails as a *prima facie* case of obviousness and Applicant respectfully submits the rejection should be withdrawn.

With regard to additionally-rejected claim 31, it is submitted that neither Golobay nor Vural disclose constricting the axle against rotation, thereby allowing the housing to rotate.

As the independent claims are in allowable condition as noted above, Applicant submits the claims dependent therefrom are similarly allowable. Applicant respectfully submits that the foregoing arguments place this application in condition for allowance. Applicants invite the Examiner to contact the undersigned to clarify any unresolved issues raised by this response. The foregoing represents a *bona fide* attempt to advance the present case to allowance. Applicants respectfully request early notification of the same.

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-7-

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The Terminal Disclaimer Fee (\$65, small entity) may be charged to the undersigned attorney's PTO Deposit Account. No additional fees are believed to be due in connection with this paper. However, if any fees are due in connection with this filing, please charge the fees to Deposit Account No. 50-1047.

Respectfully submitted,

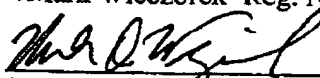
October 3, 2006

Dated:

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